

DOCKET NO: 219871US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROMITSU TANAKA, ET AL. : EXAMINER: LEE, CYNTHIA K.
SERIAL NO: 10/079,873 :
FILED: FEBRUARY 22, 2002 : GROUP ART UNIT: 1745
FOR: PROCESS FOR PRODUCING A :
MODIFIED ELECTROLYTE AND THE
MODIFIED ELECTROLYTE

RESPONSE TO REQUIREMENT FOR ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement dated November 16, 2005,
Applicants elect, with traverse, Species I, the embodiment comprising an amine treatment
step and identify Claims 37-66 as readable on the provisionally elected species.

Applicant respectfully traverses the election of species requirement on the grounds
that the Examiner has not provided sufficient reasons to conclude that the recited species are
patentably distinct, there is no serious burden on the Examiner to examine the entirety of the
pending claims, and that the species identified by the Examiner as species II, namely a
“second embodiment comprising solid polymer compounds, terminal acid groups and
intermediate acid groups”, is believed to have been part of original claims 21-36, which were
cancelled earlier during prosecution, but is no longer recited within any of the pending
claims.

MPEP § 803 states:


... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention all fall within species I as presented by the Examiner. Species II as defined by the Examiner is no longer recited within any of the pending claims. Further, all of these claims have been previously examined on the merits. Accordingly, Applicant respectfully traverses the outstanding election of species requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

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